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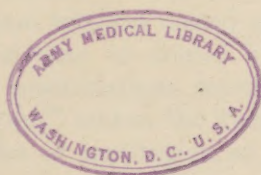
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# THE DENTAL HYGIENIST ACT OF INDIANA

Acts 1945, Chapter 90, Page 196. Approved March 1, 1945.

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An act to regulate the practice of dental hygiene, defining the same and vesting the regulation thereof in the Indiana State Board of Dental Examiners.

## The Dental Hygienist Act of Indiana

Section 1. Be It Enacted by the General Assembly of the State of Indiana, That this Act may be known and cited as The Dental Hygienist Act of Indiana.

### Definitions

Sec. 2. For the purpose of and when used in this Act:

(a) The term "Dental Hygienist" means one who is especially educated and trained in the science and art of maintaining the dental health of the individual or community through prophylactic or preventive measures applied to the teeth and adjacent structures.

(b) The term "Dental Act" means Chapter 138 of the Acts of 1913, being "An Act to Regulate the Practice of Dentistry", approved March 8, 1913, and all Acts amendatory thereof.

(c) The term "Certificate" means the Certificate of Qualification to practice dental hygiene issued by the Indiana State Board of Dental Examiners to dental hygienist candidates who pass the Board's examinations satisfactorily.

(d) The term "Permit" means the Permit to practice dental hygiene in the office or institution as designated in such permit.

(e) The term "Board" means the Indiana State Board of Dental Examiners established by the Dental Act.

(f) The term "Proprietor Dentist" means a duly licensed and registered dentist who is the owner and operator of the dental office in which he practices the profession of dentistry and who employs another dentist or dentists or a dental hygienist to supplement his operation and conduct of his dental office.

(g) The term "Employer Dentist" means a proprietor dentist who employs a dental hygienist to supplement his dental service to his clientele.

### **Certificate of Authorization**

Sec. 3. Except as hereinafter otherwise provided, it shall be unlawful for any person to practice dental hygiene in Indiana without first obtaining from the Indiana State Board of Dental Examiners a certificate authorizing such person to practice dental hygiene in this State.

### **Procedure Leading to Securing of a Certificate**

Sec. 4. Any person desiring to practice dental hygiene in this State, after this law becomes effective, shall procure from the Board a certificate that such person is entitled to practice dental hygiene in the State of Indiana. In order to procure such certificate, the applicant shall submit to the Board her diploma from an institution for educating dental hygienists, which is approved by the Board, or such other credentials as are hereinafter provided, together with an application on forms which shall be prescribed and furnished by the Board. Such application shall be accompanied by the affidavit of two (2) resident freeholders in the same County in which the applicant resides, stating that she is the person named in the accompanying application for a certificate and that the applicant is of good moral character. Each such applicant shall pay to the Board Ten Dollars (\$10.00) at the time of making such application and shall pass an examination satisfactory to the Board. For such applicants as fail to pass a satisfactory initial examination, subsequent examinations may be had before the Board upon payment of a fee of Five Dollars (\$5.00) for each subsequent examination; and such fees in no case shall be refundable.

### **Powers and Duties of Indiana State Board of Dental Examiners**

Sec. 5. The Indiana State Board of Dental Examiners shall have the power and it shall be its duty to enforce the provisions of this Act. And such Board shall have the power to

make such rules and regulations, not inconsistent with this Act, or with the Dental Act, as may, in its judgment, be necessary for the proper enforcement of this Act, the examination of dental hygienists and for their conduct of practice.

### **Qualifications of Applicant**

Sec. 6. When applying to the Board for examination, the applicant shall submit her credentials at least twenty (20) days prior to the examination date. The applicant must:

(a) Be a graduate of a school for dental hygienists that is recognized by the Board and that requires a course of training of not less than two (2) years of eight (8) months each: Provided, that graduates of schools requiring but one year of training may be given credit for one year of the above required training for either

(1) One year of internship in a dental clinic of an accepted hospital; or

(2) One year of teaching, after graduation, in a school for dental hygienists; or

(3) Five years of actual practice as a dental hygienist; or

(b) Be a graduate of a recognized and accepted school of nursing and have had, in addition, not less than eight (8) months of clinical training in a recognized school for dental hygienists; or

(c) Possess the required education and license to teach in the public schools of Indiana and have had, in addition, not less than eight (8) months of clinical training in a recognized school for dental hygienists;

(d) Be of good moral character;

(e) Be a citizen of the United States.

### **Dental Hygienist Examinations**

Sec. 7. The Board's examination of applicants to practice dental hygiene, if qualified applications are pending, shall be held at such time and place as may be called by the Board for its examination of applicants for dental license. The dental hygienist examination shall include a practical clinical test, the applicant supplying the patient and necessary instruments and equipment, and such written and/or oral examination em-

bracing the subjects taught in dental hygienists's schools as the Board may require.

### **Certificate of Qualification—Permit to Practice**

Sec. 8. A Certificate of Qualification to practice dental hygiene in Indiana shall be issued to candidates who pass the Board's examination satisfactorily. Such certificate shall bear the seal of the Board and be signed by the president and the secretary of the Board; it shall set forth the full name of the dental hygienist, the consecutive number of issuance of certificate and date of issuance. All of this data shall be recorded on a duplicate stub retained in the office files of the Board's secretary. Such certificate shall be valid for the remainder of the calendar year in which it is issued. Before entering upon such practice, the applicant shall apply to the secretary of the Board for a permit to practice her profession in a designated location. Such application shall bear the signature of the employing dentist or the proper official of the employing institution wherein she accepts employment and upon the furnishing of such information, as required in the application, the Board shall issue such permit. Such permit to practice in a designated location shall bear the name of the holder, the name and location of the employer and date of issuance. On or before the last day of each calendar year thereafter, the holder of such certificate shall renew the same by the payment of a renewal fee in the sum of Two Dollars (\$2.00) and by furnishing such information and data as the Board may at the time require. If any holder of such certificate fails, neglects, or refuses to secure the renewal certificate herein provided for within ninety (90) days after the last day of the preceding calendar year, such failure, neglect, or refusal, without any action by the Board, shall invalidate automatically the certificate previously granted, together with any related renewal certificate and permit: Provided, That any certificate or renewal thereof or permit thus invalidated may be reinstated by the Board during the six (6) months next following such invalidation upon payment to the Board by the holder of such invalidated certificate of a penalty of Five Dollars (\$5.00). If the lapse of time in revalidating such certificate continues beyond the stipulated six (6) months period,

the holder of such invalid certificate must be re-examined by the Board as for the initial issuance. The certificate, the permit to practice and the current renewal thereof must be displayed at all times in plain view of patients in the office where the holder is engaged in practice; and no person shall be deemed to be in the legal practice of dental hygiene who does not possess and display such certificate, permit to practice and its current renewal.

### **Upon Change of Employment**

Sec. 9. If a holder of a valid certificate desires to change to the employment of another dentist or institution, such dental hygienist shall return her present permit to practice in a designated location to the secretary of the Board, and the Board shall issue a new permit valid for the new employment location, except as hereinafter provided.

### **Where Holder of Certificate May Be Employed**

Sec. 10. The holder of a valid certificate may be employed to practice dental hygiene in Indiana:

(a) In the office of such legally practicing proprietor dentist as is named in her permit;

(b) In a dental college or dental hygienist school to teach and demonstrate the practice of dental hygiene; or

(c) In the dental clinic of any public, parochial, or private school or other institution supported by public or private funds, wherein she is employed by the State Board of Health, or any County or City Board of Health or Board of Education or School Trustee or Parochial Authority or the governing body of any private school: Provided, That such institutional practice, other than dental hygiene instruction and dental prophylaxis for children up to and including the eighth (8th) grade pupils, at all times must be under the supervision of a licensed dentist; or

(d) In the dental clinic of a bonafide hospital, sanitarium, or eleemosynary institution duly established and being operated under the laws of the State of Indiana, wherein she is employed by the Directors or Governing Board of such hospital, sanitarium, or institution: Provided, That such prac-

tice must be under the supervision at all times of a duly licensed dentist who shall be a staff member of the hospital or sanitarium or a member of the governing board of the institution; or

(e) In the dental clinic of an industrial or commercial establishment wherein her services shall be under the supervision of a licensed dentist.

### **Who Is Deemed to Be Practicing Dental Hygiene**

Sec. 11. Any person shall be deemed to be practicing dental hygiene within the meaning of this Act who: (a) uses the title "Dental Hygienist" or the letters "D.H." in connection with her name; or (b) holds herself out to the public in any manner whatsoever that she can or will render services as a dental hygienist; or (c) removes calcific deposits or accretions from the surfaces of human teeth or cleans or polishes such teeth; or (d) removes rough and overhanging margins of fillings; or (e) makes instrumental examination of her patient's teeth; or (f) charts the result of such examination and findings; or (g) makes x-ray pictures of the teeth and jaws; or (h) applies and uses within the patient's mouth such anti-septic sprays or washes as her employer dentist may direct; or (i) assists in the administration of dental anesthetics; or (j) engages in any of the practices within the oral cavity that are included in the curricula of recognized schools of dental hygiene: Provided, however, That each and all of the above practices, except as provided in (c) of Section 10 of this Act, must be conducted under the supervision of a legally practicing dentist; and Provided further, That the dental hygienist shall not perform or undertake to perform any other dental operative procedure on the teeth or tissues of the human mouth.

### **Interpretation**

Sec. 12. Nothing in this Act shall be interpreted or implied as operating to prevent

- (a) A dentist who is duly licensed in Indiana; or
- (b) A bonafide dental student while engaged in dental school training; or
- (c) A duly licensed practitioner of medicine; or

(d) A hospital or laboratory or dental office technician or assistant; or

(e) A legal practitioner of dentistry or of dental hygiene in any other State, while making a clinical demonstration before a dental society in Indiana; or

(f) Any commissioned dental officer in the United States Army, Navy, Marine, Public Health, or Veteran's Bureau Service, while engaged in the discharge of his official duty in Indiana, from performing such services for health preservation or restoration or diagnosis as are customarily within the field of their respective professional practices.

### **Violations—Penalties**

Sec. 13. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon a first conviction thereof such person shall be punished by a fine of Fifty Dollars (\$50.00) or by imprisonment in the county jail for twenty (20) days, or by both such fine and imprisonment. Upon a second or subsequent conviction, such person shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Upon a second conviction, the Board shall revoke the certificate and permit of such violator, and any current renewal thereof. A certified copy of the Court's order shall be sufficient evidence for such revocation of such dental hygienist's certificate. Each day during which a violation occurs or is committed shall be considered a separate offense.

### **Power of Board to Suspend, Revoke, or Refuse to Renew a Certificate—Grounds**

Sec. 14. The Board shall have the power to suspend or revoke or refuse to renew a certificate upon any one or more of the following grounds:

(a) Gross professional immorality, or unprofessional conduct,

(b) Failure, neglect, or refusal to renew the certificate annually;

(c) Non-observance or infraction of any provision of this Act, or of any Board rule or regulation made hereunder;

(d) Gross inefficiency in the practice of dental hygiene;

(e) Advertising her professional ability or her services in any manner that would constitute fraud.

Proceedings for suspension or revocation of a certificate or permit shall be instituted and conducted in the manner provided for the revocation of Dental Licenses.

### **May Appeal to Circuit or Superior Court—Procedure**

Sec. 14 $\frac{1}{2}$ . Any licensee, or applicant for a license, aggrieved by the action of the Board may appeal from such action to the Circuit or Superior Court of the County in which the Permittee in question resides, by filing a notice and bond in the amount of Two Hundred Dollars (\$200.00) for the payment of costs, in the office of the County Clerk of such County, who shall thereupon notify the Board that such appeal has been taken. The Board shall thereupon cause to be certified to such court a copy of the complaint and of the order of the Board, in cases of suspension or revocation; or of the application and order of refusal of a license, in any case where a license was refused. The case shall then be docketed as a civil action, with the applicant or licensee as the plaintiff and the Board as the defendant. No further pleading shall be necessary. Such court shall have jurisdiction to the extent that courts exercise jurisdiction over administrative bodies and may enter an order either sustaining the action of the Board or setting it aside. The clerk of such court shall certify to the Board a copy of the decision of such court. An appeal may be had from the decision of such court.

### **Supplemental and Auxiliary to Practice of Dentistry**

Sec. 15. The practice of dental hygiene is hereby declared to be supplemental and auxiliary to the practice of dentistry in Indiana. All particulars, requirements, regulations, exceptions, control, causes for suspension or revocation of license, and penalties of the Indiana Dental Act, and of any subsequent amendments thereto, shall apply with equal force wherein and so far as they may be applicable to the practice of dental hygienists, except as otherwise provided in this Act.

## **Board May Issue a Certificate—Conditions**

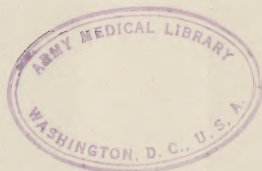
Sec. 16. The Board may issue a certificate upon payment of a fee of Ten Dollars (\$10.00) by an applicant, who furnishes satisfactory proof that she is a dental hygienist and has been licensed in some other State and has been in satisfactory practice for five (5) years or more, and who passes the practical examination only: Provided, That all other requirements are met and that the State Board and legal requirements of the State from which such candidate comes are not less than those prescribed in this Act; and Provided further, That such other State grants like reciprocal recognition to holders of Indiana certificates.

## **Construction**

Sec. 16a. Wherever the word "she", or the word "her" shall appear herein, they shall be construed also to mean "he" or "him" respectively.

## **Severability**

Sec. 17. This Act shall be deemed to be enacted in the interests of public health, safety and welfare and its provisions shall be liberally construed to carry out its objects and purposes. Each section and every part of each section is declared to be an independent section or part of section and the holding of any section or part thereof to be void or unconstitutional or ineffective for any reason shall not affect the validity or meaning of any other section or part of section of this Act.





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